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CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the below date:

Date: March 22, 2006 Name: Timothy P. Lucier

Signature: [Signature]

BRINKS
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& LIONE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: L. Biedermann et al.

Appln. No.: 10/660,453

Filed: September 11, 2003

For: Space Keeper For Vertebrae Or Intervertebral Disks

Attorney Docket No: 7948/15

Examiner: Unknown

Art Unit: 3731

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL

Sir:

Attached is/are:

- ☒ Transmittal (in duplicate); First Supplemental Information Disclosure Statement; PTO Form 1449; One Copy of References B5-B21
- ☒ Return Receipt Postcard

Fee calculation:

- ☐ No additional fee is required.
- ☐ Small Entity.
- ☐ An extension fee in an amount of \$_____ for a _____-month extension of time under 37 C.F.R. § 1.136(a).
- ☐ A petition or processing fee in an amount of \$_____ under 37 C.F.R. § 1.17(_____).
- ☐ An additional filing fee has been calculated as shown below:

					Small Entity			Not a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus			x \$25=			x \$50=	
Indep.		Minus			x 100=			x \$200=	
First Presentation of Multiple Dep. Claim					+\$180=			+\$360=	
					Total	\$		Total	\$

Fee payment:

- ☐ A check in the amount of \$_____ is enclosed.
- ☐ Please charge Deposit Account No. 23-1925 in the amount of \$_____. A copy of this Transmittal is enclosed for this purpose.
- ☐ Payment by credit card in the amount of \$_____ (Form PTO-2038 is attached).
- ☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,

3/22/2006
Date

[Signature]
Timothy P. Lucier (Reg. No. 44,882)



CERTIFICATE OF MAILING

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March 22, 2006

Date of Deposit

Timothy P. Lucier

Name of Applicant, Assignee or
Registered Representative

[Signature]

Signature

3/22/2006

Date of Signature

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FIRST SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

In accordance with the duty of disclosure under 37 C.F.R. §1.56 and §§1.97-1.98, and more particularly in accordance with 37 C.F.R. §1.97(b), Applicants hereby cite the following reference(s):

U.S PATENTS

<u>Patent No.</u>	<u>Date</u>	<u>Inventor</u>
4,759,766	07/26/88	Buettner-Janz
4,820,305	04/11/89	Harms
5,314,477	05/24/94	Marnay
2003/0191534 A1	10/09/03	Viart

FOREIGN PATENT DOCUMENTS

<u>Document No.</u>	<u>Date</u>	<u>Country</u>
DE 22 63 842 A	07/04/74	Germany
DE 28 04 936 A1	02/06/78	Germany
DE 30 23 353 C2	04/22/82	Germany
DE 35 29 761 C2	06/16/94	Germany
DE 43 23 034 C	07/28/94	Germany
DE 299 11 422 U1	07/02/99	Germany
EP 0 176 728	08/17/85	Europe
EP 0 630 625 A2	05/30/94	Europe
EP 0 747 025 A1	06/06/96	Europe
EP 0 955 021 A1	03/13/98	Europe
WO 93/10725	06/10/93	PCT
WO 01 68003 A	09/20/2001	PCT
WO 02/47586 A1	06/20/02	PCT
WO 03/094806 A1	11/20/2003	PCT
WO 2004/016 217 A2	02/26/2004	PCT

OTHER ART

Copy of European Search Report for related Application No. 03017383.5-2310
dated January 8, 2004

Copy of European Search Report for unrelated Application No. 03017959.2
dated January 29, 2004

Please note that U.S. 4,759,766 is a corresponding application to EP 0 176 728
A. Also please note that U.S. 2003/0191534 is a corresponding application to WO
01/68003. Also please note that previously cited U.S. 5,480,442 is a corresponding

application to EP 630 625 A. English abstracts have been provided for the remaining foreign language documents.

Applicants are enclosing Form PTO-1449 (one sheet), along with a copy of each listed reference for which a copy is required under 37 C.F.R. §1.98(a)(2).

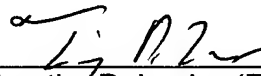
Applicants respectfully request the Examiner's consideration of the above reference(s) and entry thereof into the record of this application.

By submitting this Statement, Applicants are attempting to fully comply with the duty of candor and good faith mandated by 37 C.F.R. §1.56. As such, this Statement is not intended to constitute an admission that any of the enclosed references, or other information referred to therein, constitutes "prior art" or is otherwise "material to patentability," as that phrase is defined in 37 C.F.R. §1.56(a).

Applicants have calculated no fee to be due in connection with the filing of this Statement. However, the Director is authorized to charge any fee deficiency associated with the filing of this Statement to a deposit account, as authorized in the Transmittal accompanying this Statement.

Respectfully submitted,

3/22/2006
Date


Timothy P. Lucier (Reg. No. 44,882)



FORM PTO 1449	SERIAL NO. 10/660,453	CASE NO. 7948/15
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT	FILING DATE September 11, 2003	GROUP ART UNIT 3731
(use several sheets if necessary)		APPLICANT(S): L. Biedermann et al.

REFERENCE DESIGNATION U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER <small>Number-Kind Code (if known)</small>	DATE	NAME	CLASS/ SUBCLASS	FILING DATE
	B1	4,759,766	07/26/88	Buettner-Janz		
	B2	4,820,305	04/11/89	Harms		
	B3	5,314,477	05/24/94	Marnay		
	B4	2003/0191534 A1	10/09/03	Viart		

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER <small>Number-Kind Code (if known)</small>	DATE	COUNTRY	CLASS/ SUBCLASS	TRANSLATION YES OR NO
	B5	DE 22 63 842 A	07/04/74	Germany		
	B6	DE 28 04 936 A1	02/06/78	Germany		Abstract
	B7	DE 30 23 353 C2	04/22/82	Germany		Abstract
	B8	DE 35 29 761 C2	06/16/94	Germany		
	B9	DE 43 23 034 C1	07/28/94	Germany		Abstract
	B10	DE 299 11 422 U1	07/02/99	Germany		Abstract
	B11	EP 0 176 728	08/17/85	Europe		Abstract
	B12	EP 0 630 625 A2	05/30/94	Europe		
	B13	EP 0 747 025 A1	06/06/96	Europe		
	B14	EP 0 955 021 A1	03/13/98	Europe		Abstract
	B15	WO 93/10725	06/10/93	PCT		
	B16	WO 01/68003 A1	06/20/02	PCT		
	B17	WO 02/47586 A1	06/20/02	PCT		Abstract
	B18	WO 03/094806 A1	11/20/2003	PCT		
	B19	WO 2004/016 217 A2	02/26/2004	PCT		

EXAMINER INITIAL	OTHER ART – NON PATENT LITERATURE DOCUMENTS <small>(Include name of author, title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date page(s), volume-issue number(s), publisher, city and/or country where published.)</small>	
	B20	Copy of European Search Report for Application No. 03017383.5-2310 dated January 8, 2004
	B21	Copy of European Search Report for Application No. 03017959.2 dated January 29, 2004

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.